voting, that I had made a mistake. I started rethinking right away whether I really wanted the Senate to consider amending the first amendment.

Later, I was privileged to join the Senate Judiciary Committee, and then the 104th Congress became a teeming petri dish of proposed amendments to the Constitution. On the Judiciary Committee, I had a good seat to witness first hand the radical surgery that some wanted to perform on the basic governing document of our country, the U.S. Constitution.

It started with a balanced budget constitutional amendment, and soon a term limits constitutional amendment, a flag desecration amendment, a school prayer amendment, a super majority tax increase amendment, and a victims rights amendment, and on it went. In all, over 100 constitutional amendments were introduced in the 104th Congress. This casual proliferation of amendments has tapered off somewhat, but persists to this day.

As I saw Members of Congress suggest that all sorts of social, economic, and political problems, great and small, be solved with a simple constitutional amendment, I chose to oppose this serious and earnestly considered constitutional amendment from Senator HOLLINGS, along with others that have casually and sometimes recklessly threatened to undermine our most treasured founding principles.

The Constitution of this country was not a rough draft. We have sometimes lately been treating it as such, and Senator HOLLINGS' worthy effort appears in that context, so I believe we should oppose it, lest we encourage less serious efforts.

Even if we were to adopt this constitutional amendment, and the states were to ratify it, which we all know is not gong to happen, it will not deliver effective campaign finance reform. It would empower the Congress to set mandatory spending limits on congressional candidates that were struck down in the landmark Buckley v. Valeo decision.

And if this constitutional amendment were to pass the Congress and be ratified by the States, would campaign finance reformers have the necessary 51 votes—or more likely the necessary 60 votes—to pass legislation that includes mandatory spending limits?

Probably not—let's remember that it took us years to get to 60 votes on the McCain-Feingold bill.

But this week we have before us a bipartisan campaign finance proposal that has been meticulously drafted within the guidelines established by the Supreme Court. We are confident that the McCain-Feingold bill is constitutional and will be upheld by the courts.

Our original proposal, unlike the law that was considered in Buckely v. Valeo, included voluntary spending limits, but the centerpiece of our bill is a ban on soft money, the unlimited contributions from corporations, unions and wealthy individuals to the political parties. There is near unanimity among constitutional scholars that the Constitution allows us to ban soft money. The Supreme Court's decision in the Shrink Missouri case makes it abundantly clear that the Court will uphold a soft money ban. We don't need to amend the Constitution to do what needs to be done.

Until this year, the desire of a majority of Senators to bring a campaign finance reform bill to a final vote has been frustrated by a filibuster. So the notion that this constitutional amendment will pave the way for legislation that includes mandatory spending limits simply ignores the reality of the opposition that campaign finance reformers would face here in the Senate if they tried to enact those limits.

This proposed constitutional amendment would change the scope of the first amendment. I find nothing more sacred and treasured in our Nation's history than the first amendment. It is the bedrock of the Bill of Rights. It has as its underpinning the notion that every citizen has a fundamental right to disagree with his or her government. I want to leave the first amendment undisturbed.

Nothing in this constitutional amendment before the Senate today would prevent the sort of abuses we have witnessed in recent elections Allegations of illegality and improprieties, accusations of abuse, and charges of selling access to high-ranking Government officials would continue no matter what the outcome of the vote on this constitutional amendment. Only the enactment of legislation that bans soft money contributions will make a meaningful difference.

The Senate will have another opportunity to address this issue. We have had many debates on campaign finance reform, and if we pass the McCain-Feingold bill, the general issue of campaign finance will reappear from time to time. But, today, in March 2001, the way to address the campaign finance problem is to pass constitutional legislation, not a constitutional amendment. We are poised to give the people real reform this year, not seven or more years from now.

I urge the Members of the Senate to vote against the resolution for a constitutional amendment of the Senator from South Carolina. It is not necessary to amend the Constitution to accomplish campaign finance reform. I greatly admire the sincerity and commitment of the Senator from South Carolina, but ultimately I do not think his amendment will bring us any closer to achieving viable, real reform in the way that political campaigns are financed in the United States.

I conclude by thanking the Senator from South Carolina for his leadership and knowledge on this subject.

Mr. HATCH. I yield 15 minutes to the Senator from Kentucky.

BIPARTISAN CAMPAIGN REFORM ACT

Mr. BUNNING. Mr. President, for a week now we have been debating campaign finance reform. It has been a healthy debate, and a debate I am glad we are having. Some want dramatic changes by overhauling the whole system. Others want simple reforms around the edges. Some want to limit soft money. Some want to ban it. Some want full disclosure. Others want none. Some want to raise the ceiling on hard money given by individuals. Others want to leave hard money limits alone. Some want to protect paychecks of union members from having their dues used for political activities. Some do not want to ensure that protection at all.

But let's all agree on one thing. We all think our present campaign finance system needs reforming. However, the underlying McCain-Feingold bill, S. 27, is an attack on the rights of average citizens to participate in the democratic process. Attacking these rights only enhances the power of wealthy individuals, millionaire candidates, and large news corporations.

McCain-Feingold hurts the average citizen's participation in the process because it targets and imposes restrictions on two key citizen groups: issue advocacy groups and political parties. These two groups serve as the only effective way through which average citizens across America can pool their $10, $20, $100 donations to express themselves effectively. One individual alone in the public arena can accomplish little with his or her small donation. But the small donations of thousands of like-minded individuals can accomplish a lot when they work together.

The right to associate is fundamental in our democratic Republic, and the ability of the average citizen across America to effect public policy is very important. It is so important that the U.S. Supreme Court has recognized it as a fundamental right with constitutional protections. If McCain-Feingold succeeds as it is now, the influence of average citizens would be drastically reduced. Associations with like-minded individuals is essential to engaging in the debate of public policy, but under McCain-Feingold the average citizen would be buried in the tomb of nonparticipation and the rich and powerful would run politics.

Under McCain-Feingold, the power of the giant news media corporations is not eliminated. Their editorial content and news coverage are protected by the first amendment. And the wealthy multimillionaires will not be prohibited from spending their money to self-finance their campaigns or express their views on public policy issues. The media and the wealthy have all the power and money they need to pay for communications about issues. Therefore, the campaign finance reform as proposed by McCain-Feingold strips power from the average citizen and allows the wealthy and powerful to retain their influence.

Although well intended by the bill's sponsors, the underlying bill does not present us with a clear and level playing field for all Americans. There are winners and there are losers. The losers are the citizens of average means, citizens' groups, advocacy organizations, labor unions, and political parties. The winners are the wealthy, major news corporations, and incumbent politicians.

Think about who supports this bill. The wealthiest of America's foundations and individuals are supporting this bill. The mainstream media is the prime cheerleader of this bill, and many incumbent politicians are attracted to this bill. The majority of average citizens e-mailing my office, calling me and writing me, overwhelmingly oppose this bill.

To try to level the playing field in elections with superwealthy candidates, I cosponsored an amendment with Senators DOMENICI and DEWINE and others. That amendment, known as the wealthy candidate amendment, would have allowed a candidate running against a wealthy candidate who self-financed his or her campaign to increase the contribution limits from individuals and PACs.

This amendment, thankfully, passed. It is a great improvement to the base bill and helps to level the playing field and take advantage away from the superwealthy candidate who sometimes pours tens of millions of dollars into their own campaign to win a House or Senate seat.

This amendment helps those candidates who are not millionaires, or wealthy, to have the limits raised on what they can accept from individuals and PACs. I think it is a commonsense and bipartisan reform provision, and that it will do much to create freer elections and confidence of the public in those elections where the superwealthy spend millions and millions of dollars.

There are other campaign reform measures that should be enacted as well to enhance and not stifle the voice of citizens. The hard dollar individual contributions have not been raised since 1974. This limit needs to be raised and indexed for inflation. One thousand dollars just does not buy what it used to in 1974. This limit must be raised substantially, especially if soft money to the parties is going to be reduced. The limit should be raised to $3,000 from the current $1,000. Raising this limit would enable more individual citizens to run for office, enable all candidates to concentrate more on the job at hand and less on fundraising. It may also remove some of the incentive for interest groups to make independent and issue advocacy expenditures. While a $1,000 contribution may have been high in 1974 when it was imposed, it would be worth about $3,000 today.

In addition, the aggregate hard money individual contribution limit should be raised higher than it is already in the bill. McCain-Feingold raises current law from a $25,000 limit to $30,000, but, like the hard dollar limits for individuals, this limit should be raised higher and indexed for inflation.

The Hagel-Landrieu bill raises this amount from $25,000 in current law to $75,000. I would feel much better about supporting a measure which raises these two amounts to strengthen the voice of the individual citizen.

Finally, the heart of campaign finance reform must be disclosure. We have seen in recent years TV blitzes and ad wars in campaigns. Many people wonder who puts out these ads and commercials, and how much money is spent on ad blitzes, and who in the world is paying for them. For American citizens to make a better informed decision in their voting, they deserve to know who is sponsoring these ads and especially who is paying for them and how much they cost. We have the ability to make this information available over the Internet instantly.

The Federal Election Commission can and should make this information available on the Internet as soon as possible but no later than 24 hours after the information is received by the FEC. Full disclosure will instill better confidence in our citizenry.

This provision is something many of us have advocated in the past, and it is part of the Hagel-Landrieu proposal, which I hope becomes part of this underlying bill.

We have spent a week on campaign finance reform, and we have another week to go. I hope we can make some real effort and progress in strengthening the voice of the average citizen.

I fear that so far we still have an unequal playing field, and that the underlying bill still favors the wealthy incumbents and the media.

We need to enhance, not squelch, the voice of the people in their elections. Free political speech is the best campaign finance reform. It is the very core of what James Madison drafted and the Framers adopted when they guaranteed to the people that ''Congress shall make no law abridging the freedom of speech.''

If we are going to pass campaign finance reform, then we need to ensure that average citizens are not absolutely out of the system. We must pass a bill that does not restrict the freedom of speech of any American.

I urge my colleagues to make sure that happens when we pass this bill. If it doesn't have those features in it, I suggest that we vote against McCain-Feingold. If it has those features, then I suggest that we vote for the underlying bill.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HATCH. Mr. President, I yield 4 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the Senator from Utah for his generosity and courtesy.

Right to the point with respect to the big bugaboo about the first time in our history that we are amending the first amendment, we are not amending any first amendment on speech. I will emphasize that in just a second. But if we were, it would not be the first time. And the distinguished Senator from Kentucky and others understand that. They continue to raise that bugaboo to intimidate the Senators about the seriousness of this by saying it is the first time that we carved and etched out of the first amendment since the founding of our country and the passage of the Bill of Rights.

I know that the Senator from Kentucky and others who use that expression know about the limits, about the Tillman Act in 1907, about Teddy Roosevelt, or the Taft-Hartley Act, and limits on speech by union activity. They also know about the limits with respect to the obscene, the seven dirty words in the specific case where we gave the FEC the power to control these kind of words, and about speech on the airwaves with respect to false and deceptive advertising. Everybody believes in the Federal Trade Commission.

I have given a dozen examples of where there is already limited speech. But our particular resolution, S.J. Res. 4, is not an amendment, as the Senator from Alabama would infer. He says, of all things, that even during campaign times this amends the right to speak. It doesn't amend anything. It is merely a joint resolution, and not even signed by the President but referred to the States for ratification to give Congress the power to legislate. It legislates nothing. It doesn't approve of McCain-Feingold. It doesn't disapprove of it. It doesn't approve of any particular legislation. It only gives the power back to us to stop this money chase, and the corruption of the system.

You can see it here this afternoon already. We have had a pretty good debate, relatively speaking. But everybody has been out, and they are allowed to stay out until 6 o'clock in order to chase the money. We used to vote all day Monday when I first got here, and all day Friday. Those two days are gone. Tuesday morning is gone. Usually it is after lunch on Tuesday when we really start. Then we have a window on Wednesday and a window on Thursday, both at lunch and in the evening.

The entire time is not spent on doing the job of a U.S. Senator, but of keeping the job. You have to raise $7 million over six years; $3,000 every day for six years, including Sunday and Christmas Day. That is obscene.

This gives the Congress the power to deal with that particular problem for the first time. Those who would oppose this amendment have no idea of controlling that spending.

I yield the floor. I thank my distinguished colleague from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I always enjoy listening to my colleague from South Carolina. I disagree with him that all we do in the Senate is go out and raise money. I think Senators work very hard. I have to admit that we generally don't have to vote on Monday until after 5 o'clock in the evening. There is a reason for that, because Senators are returning. Not all of us live in close proximity to the District of Columbia. I know this. When I go to Utah, my time isn't spent raising money. Most of my time is spent going to town meetings, meeting with people in my offices, and working with staff and others who do the job that we have to do. I think most Senators around here, including the distinguished Senator from South Carolina, spend inordinate hours here during the week. I generally get to the office around 6 a.m. I don't know many days when I am home before 7 or 8 o'clock at night. The days are completely filled meeting with people.

Yes, you have to raise money. But everybody has to do that. That is part of the process. It is not a bad part of the process. There are just a few who do it illegally. If that is the sole thing that you do, then you are selling your vote for money. But I don't know of one Senator in this body who has ever sold his or her vote for money. I believe there is no question that money does talk in the sense that groups support you and support Senators around here. Generally the groups that have donated to my campaigns do that because they agree with my position. Certainly, I am happy to have their help, because you do have to raise enough money to run.

But the Senator is right in one respect; that is, it is costing a fortune to run for the U.S. Senate now. The average Senate race is at least $4 million. That makes it very difficult for incumbents. But if we pass the McCain-Feingold bill, it makes it even worse in some respects, especially if you do not increase the limits. Those limits were set back in 1974, I believe, and just by the rate of inflation, the limits should be raised no less than three times, and probably as much as five or six times.

The cost of elections have gone up dramatically. Back in 1976, a couple of years after the rules were set, when I ran for Senate, I have to say that my opponent spent in hard dollars somewhere around $570,000. I raised in hard dollars about $569,000, if I recall it correctly. It cost me more money to raise it than it did to spend it, because I had to use direct mail because nobody knew who I was. I had to win that race by out-working and out-performing the incumbent. But today, if I was to try to do the same thing, I wouldn't even consider it, because I would have to start at least $1 million, or $2 million. I would have to have a lot more support than I have today. It is going up every year.

It is not a bad thing to have to raise money. I am a perfect illustration that it isn't money that always talks because I bet that I did not spend over $100,000 in real terms in that race back in 1976. My opponent, who I think took me for granted, and made a terrible mistake in doing that, he had at least $600,000, it seemed to me, in actual dollars to spend, plus he had the support of all kinds of soft money groups that came into the State and assisted him as well. So it was really a lot more money than that.

The worst race I had was in 1982, when the mayor of Salt Lake, who is a wonderful person, and a good man, ran against me. It was a very tight race. I raised close to $4 million in that race. He admitted he raised probably at least $2.3 million, if I recall it correctly. But that was only part of the story. The trade union money came into that State. According to sources, they had as many as 100 dues-paid political operatives operating there in Utah, who spent all kinds of money trying to assist my opponent in defeating me, something that Republicans just do not have on their side.

When we get out the vote, we have to raise the money ourselves, we have to spend it ourselves. We do not have outside groups doing it for us. In the case of Democrats, at least in that race—and I think in many other races—the get-out-the-vote money, the advertising money, a lot of other things come from the trade unions. I think that is their right. They believed in my opponent. He had voted virtually a straight union line for them, and they supported him. I can't say I disagreed with their right to do that.

In our worries about having to raise all this money, we don't want to throw out the baby with the bath water. We don't want to infringe upon first amendment rights or freedoms.

In relation to this particular constitutional amendment, however, let me conclude with this simple observation. Free speech and free elections are one and the same. This constitutional amendment involves speech no matter how you write it, because Buckley v. Valeo said that money in politics is a form of speech. This constitutional amendment would hurt free speech by giving Congress—535 Members of Congress—and the respective State legislatures—they call it ''the States'' but it is really, in effect, the State legislatures—too much power to change the Supreme Court cases that protect free speech.

Make no mistake about it, this amendment, if it would pass, would do away with Buckley v. Valeo and would send us down that road of allowing State legislatures to determine just what can or cannot be spent in political campaigns, and allow the Congress of the United States to determine what can or cannot be spent in political campaigns.

I suspect that is going to create a system that is a lot worse than our current system. Because if you ban soft money for the two parties—where you would want the money to be spent; where it is accountable; where they have to be accountable—they have to explain what they are doing—you can look at it and see whether you want to support the parties or not—if you take the soft money away from them, and leave it in the hands of everybody else in society, then basically what you are doing is, I think, stultifying the electoral process and certainly the party process, which all of us ought to be encouraging. Because under our current rules, the parties have to disclose the moneys that they receive. Under our current rules, many of the outside groups do not have to disclose the soft moneys they use in political campaigns. And some of them use them in reprehensible ways.

This amendment says that

> Congress shall have power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, Federal office.

The same language for the State legislatures.

In essence, this would overrule Buckley v. Valeo. If you got the wrong people in Congress, this could mess up the whole process. But if you do not think Congress is capable of doing it, think of what the State legislatures might be willing to do in certain States that have completely different viewpoints from say my State of Utah.

So one of the things our Founding Fathers were most concerned about was absolute majoritarian control of our country. They were absolutely concerned that a straight majority control could lead to mob control similar to what happened in the French Revolution that occurred later. They were concerned about that.

So they set up checks and balances. They set up the Senate as a check and balance, in a sense, because in the Senate every State has equal rights with suffrage. It is not proportional. Every State, no matter how large or small, has two Senators. Wyoming with 700,000 citizens has the same number of Senators as California with now approaching 33, 34 million citizens. They did that to have these checks and balances so that there would be no way that one side or majoritarian group would run away with the process. This amendment would allow them to do so.

We have 5 minutes left. I see the distinguished chairman here. I yield the remainder of my time to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the distinguished Senator from Utah, the chairman of the Judiciary Committee, for his fine work on this amendment again this year. We have had this debate a few times, I say to my friend from Utah.

Let me just sum it up. This is a unique opportunity for a large majority of the Senate to vote against a proposal and be in concert with the Washington Post, Common Cause, Senator FEINGOLD, and Senator MCCONNELL. That is truly a unique opportunity in the course of this debate.

I commend the Senator from South Carolina. His intentions are clear and honorable. He understands that in order to do what is sought in McCain-Feingold you need to amend the first amendment for the first time in over 200 years, or the first time ever—carve a niche out of it to give both the Congress and State legislatures an opportunity to get complete control of all of this pernicious speech that is going on out there that offends us. That is at the core of this debate.

This is a constitutional amendment. It should be overwhelmingly defeated, as it was last year when we had the same vote. There were 67 Senators who voted against it and only 33 Senators who voted for it. I thought the 67 Senators exercised extraordinarily good judgment. I hope that will be the case again when the roll is called at 6 o'clock.

I do not know if anyone else wishes to speak.

Mr. President, is all the time used on this side?

The PRESIDING OFFICER. There are 2½ minutes under the control of Senator HATCH.

Mr. HATCH. I yield back the time.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask that we proceed with the vote.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana (Mr. BURNS) and the Senator from Colorado (Mr. ALLARD) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) would vote ''no.''

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BAUCUS) would vote ''aye.''

The result was announced—yeas 40, nays 56, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—40

Bayh	Dayton	Mikulski
Biden	Dodd	Miller
Bingaman	Dorgan	Murray
Boxer	Durbin	Reed
Breaux	Feinstein	Reid
Byrd	Graham	Rockefeller
Cantwell	Harkin	Sarbanes
Carnahan	Hollings	Schumer
Carper	Inouye	Specter
Cleland	Kerry	Stabenow
Clinton	Levin	Stevens
Cochran	Lieberman	Wyden
Conrad	Lincoln	
Daschle	McCain	

NAYS —- 56

Akaka	Frist	Murkowski
Allen	Gramm	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bond	Gregg	Nickles
Brownback	Hagel	Roberts
Bunning	Hatch	Santorum
Campbell	Helms	Sessions
Chafee	Hutchinson	Shelby
Collins	Hutchison	Smith (NH)
Corzine	Inhofe	Smith (OR)
Craig	Jeffords	Snowe
Crapo	Johnson	Thomas
DeWine	Kennedy	Thompson
Domenici	Kohl	Thurmond
Edwards	Kyl	Torricelli
Ensign	Leahy	Voinovich
Enzi	Lott	Warner
Feingold	Lugar	Wellstone
Fitzgerald	McConnell	

NOT VOTING—4

Allard	Burns
Baucus	Landrieu

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 56. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the joint resolution is rejected.

Mr. MCCONNELL. I move to reconsider the vote by which the amendment was agreed to.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001—Continued

AMENDMENT NO. 145

The PRESIDING OFFICER. Under the previous order, there are 15 minutes of debate on the Wellstone amendment. The time is to be divided between the sponsor and Mr. FEINGOLD of Wisconsin.

Mr. WELLSTONE. Mr. President, I think we are in a critical time regarding the direction and prospects for this bill. This is an important piece of legislation. It started out weaker than it once was. It is still a very important effort.

The question is whether or not reformers will support amendments that are proreform that will improve the bill or whether we will go in the direction, for example, of taking the caps off hard money and having yet more big money in politics.

This amendment improves this bill. This amendment says when you have the prohibition on soft money in parties and then you have a very important effort by Senator SNOWE and Senator JEFFORDS to also apply that prohibition of soft money to the sham issue ads when it comes to labor and corporations, in the Shays-Meehan bill, that prohibition on soft money applies to all the groups and organizations. In the other McCain-Feingold bill, it applied to all of these organizations.

If you don't have that prohibition of soft money, you will take the soft money from parties and it will all shift to a proliferation of the groups and organizations that are going to carpet bomb our States with all these sham issue ads. This is a loophole that must be plugged.

My amendment is what is in the Shays-Meehan bill.

Third, colleagues, I want to be very clear. I have written this amendment in such a way that severability applies. Even if a Supreme Court in the future were to say this amendment is not constitutional, there is complete severability here and it would not apply to any other provisions, including the Jeffords-Snowe provision.

Also, looking over at my colleague from the State of Tennessee, Senator THOMPSON, we accepted the millionaire amendment which will in all likelihood be challenged by the courts. That is why I am so clear there is severability of principle that applies to this amendment.

Finally, if we are going to pass this bill and we are going to try to get some of the big money out of the politics, please let's not, when we have a chance to fix a problem, not fix it. Don't let the soft money no longer apply to parties and all shifts to these sham ads. Let's be consistent.

I do not believe that an effort to improve this bill is an effort to kill this bill. The argument that if the majority of Senators vote for this amendment and improve the bill, then later on the majority of Senators who voted for this amendment will vote against the bill that the majority just voted for on the amendment, doesn't make any sense. I have heard this argument too many times. We ought to fix this problem.

I hope I will have your support.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Reluctantly, I move to table this amendment, both for concerns of its constitutionality and also the practical considerations of what it will take to get our piece of legislation through this Senate and maintain the bipartisan spirit and reality that it has had.

With regard to the issues of constitutionality, I yield 5 minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.